

D. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year.

Today's proposal contains no Federal mandates under the regulatory provisions of Title II of the UMRA for State, local, or tribal governments or the private sector. In fact, removing the federal water quality standards for the Bay/Delta will facilitate the State of California's implementation of the state adopted and EPA-approved water quality standards for the Bay/Delta.

List of Subjects in 40 CFR Part 131

Environmental protection, Indians—lands, Intergovernmental relations, Reporting and recordkeeping requirements, Water pollution control, Water quality standards, Water quality criteria.

Dated: December 14, 1995.

Carol M. Browner,
Administrator.

Part 131 of title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 131—[AMENDED]

1. The authority citation for part 131 continues to read as follows:

Authority: 33 U.S.C. 1251 et seq.

§ 131.37 [Removed and reserved]

2. Section 131.37 is removed and reserved.

[FR Doc. 95-30985 Filed 12-19-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR PART 300

[FRL-5346-9]

Lewisburg Dump Superfund Site, Lewisburg, TN

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete.

SUMMARY: The Environmental Protection Agency (EPA), Region IV, announces its intent to delete the Lewisburg Dump site from the National Priorities List

(NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), promulgated by EPA, pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Tennessee Department of the Environment & Conservation have determined that the site no longer poses a significant threat to public health or the environment and, therefore, further CERCLA remedial measures are not appropriate.

DATES: A 30-Day Public Comment Period (December 11, 1995 to January 11, 1996) has been established for the Lewisburg Dump site deletion proposal. Comments concerning the proposal may be submitted by January 11, 1996.

ADDRESSES: Comments may be mailed to: Femi Akindele, U.S. Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia, 30365.

Comprehensive information on this site is available for review at the following site information repositories.

Marshall County Memorial Library, 310 Farmington Pike, Lewisburg, TN 37091.

U.S. EPA Record Center, 345 Courtland St., Atlanta, GA 30365.

FOR FURTHER INFORMATION CONTACT: Femi Akindele, U.S. Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia, 30365, 404-347-3555 EXT. 2042 or 1-800-435-9233 EXT 2042.

SUPPLEMENTARY INFORMATION:

Introduction

This notice is to announce EPA's intent to delete the Lewisburg Dump site from the NPL. It also serves to request public comments on the deletion proposal.

EPA identifies sites that appear to present a significant risk to public health, welfare, or environment and maintains the NPL as the list of these sites. Sites on the NPL qualify for remedial responses financed by the Hazardous Substances Response Trust Fund (Fund). As described in 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such actions. EPA accepts comments on the proposal to delete a site from the NPL for thirty days after publication of this notice in the Federal Register.

NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with § 300.425(e) of the NCP, sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA, in consultation with the State, considers whether the site has met any of the following criteria for site deletion:

(i) Responsible or other parties have implemented all appropriate response actions required.

(ii) All appropriate response actions under CERCLA have been implemented and no further response actions are deemed necessary.

(iii) Remedial investigation has determined that the release poses no significant threat to public health or the environment and, therefore, no remedial action is appropriate.

Deletion Procedures

The following procedures were used for the intended deletion of this site:

(1) EPA Region IV issued a Final Close Out Report in September 1993, which addressed the site conditions, quality assurance and control during construction, and technical criteria for satisfying the completion requirements.

(2) Concurrent with this announcement, a notice has been published in the local newspaper and has been distributed to appropriate federal, state, and local officials announcing the commencement of a 30-day public comment period on the Notice of Intent to Delete.

(3) EPA has made all relevant documents available for public review at the information repositories.

Deletion of the site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for information purposes and to assist EPA management. As mentioned earlier, Section 300.425(e)(30) of the NCP states that deletion of a site from the NPL does not preclude eligibility of the site for future Fund-financed response actions.

For the deletion of this site, EPA will accept and evaluate public comments on this Notice of Intent to Delete before finalizing the decision. If necessary, the Agency will prepare a Responsiveness Summary to address any significant public comments received during the comment period. The deletion is finalized after the Regional Administrator places a Notice of Deletion in the Federal Register.

Basis for Intended Lewisburg Dump Site Deletion

The following is a summary of activities on the Lewisburg Dump Site. It provides EPA's rationale for the proposed deletion.

The site is a 20-acre tract of farmland located less than one mile north of Lewisburg, Tennessee. It contains an abandoned six acre limestone quarry and a pond. The City of Lewisburg owned and operated the dump which used about four acres at the western portion of the quarry for landfill operations from the late 1950s to 1979. The landfill was open to all residential and industrial dumpers. City records have indicated that several surrounding communities hauled wastes to the dump.

In 1973, a study was conducted by the Tennessee Department of Public Health (TDPH) which indicated that the old quarry was unfit for a sanitary landfill. Also, in the early 1970s, the City submitted plans to TDPH for an on-site incinerator, interim maintenance, and final closure of the dump. In 1977, preliminary closure of the landfill began as soil was applied to cover the wastes. In 1979, final closure of the landfill was conducted.

EPA initially inspected and assessed the conditions of the site in 1982. Among the wastes observed during the inspection were adhesives, paint stripper, empty pails coated with yellow lacquer, metal cuttings, sawdust, pencil cores, cosmetic powders and shoe linings. Results of the assessment indicated the presence of organic and inorganic compounds including lead, toluene, PCB, chlordane, and phenol. After evaluating the conditions of the landfill, EPA added Lewisburg Dump to the NPL in December 1982.

In 1985, EPA contacted a group of companies, agencies, and individuals who were identified as potentially responsible for the wastes at the dump to address the problem. The City of Lewisburg and other potentially responsible parties (PRPs) formed the Lewisburg Environmental Response Committee (LERC) to conduct a Remedial Investigation/Feasibility Study (RI/FS) on the site. The study was conducted under the terms of an Administrative Order on Consent which the PRPs entered into with EPA.

The RI/FS, which was completed in 1990, confirmed the presence of contaminants at the site. Organic and inorganic compounds were detected in the landfill soil, shallow aquifers beneath the site, and in the abandoned quarry pond.

The most prevalent organic contaminants at the site were bis(2-ethylhexyl)phthalate, (DEHP), methylene chloride, xylene, ethylbenzene, 4-methyl-2-pentanone, 2-butanone, carbon disulfide, and toluene. The most common inorganic contaminants were copper, chromium, aluminum, arsenic, iron, lead, manganese, mercury, barium, and zinc. Of these contaminants, only DEHP and copper were detected at levels of significant concern. No contaminants were detected at appreciable concentrations outside the site.

The RI/FS results indicated that, although contaminant concentrations were generally insignificant, the wide variety of the compounds was of concern. Other concerns noted were that the compounds had the potential to become exposed by landfill cap deterioration, the open access to the site and possible disturbance of landfill constituents. In addition, there was potential for increased groundwater contamination and leachate generation if site conditions were not improved.

Special studies, including well surveys and dye trace analyses were conducted in the area of the site to evaluate groundwater conditions since most residences had water wells. The well survey identified 123 households within a 2 mile radius of the site with a minimum of one well on each property. Approximately 70 of these households were utilizing groundwater from wells for domestic or livestock purposes. However, most residences near the site were connected to the municipal water supply. No industrial or municipal wells were found in the survey area. The dye trace studies did not indicate an immediate effect of the site on the domestic wells.

In order to alleviate potential adverse effects of the site on human health and the environment, the RI/FS evaluated several possible remedial measures. Based on the results, EPA issued a Record of Decision (ROD) in September 1990, which described the remedy selected for the site. The major components of the selected remedy were: (1) removal and disposal of all site surface debris, (2) removal and disposal of all debris in the quarry pond, (3) replacement of plastic test-pit caps with landfill cap material, (4) regrading of the landfill cap, (5) implementation of institutional controls, and (6) long-term monitoring and analysis.

Soon after the ROD was issued, EPA requested the PRPs to implement and fund the selected remedy. The PRPs agreed and signed a Consent Decree in 1991 to perform the work. All remedial activities were completed between

September 4, 1992, and September 20, 1993. The Remedial Action Report submitted by the PRPs indicated that 382 cubic yards of debris/soil, 172 tires, 50 empty drums and 2 drums containing lead paint and sludge were removed from the site. These were disposed of at properly permitted facilities. EPA and TDEC performed a final site work inspection in September 1993, and determined that the Remedial Action (RA) had been successfully executed.

Following the RA completion, the PRPs initiated site maintenance and monitoring activities, including regular site inspection and groundwater sampling. Laboratory results and other reports on these activities have confirmed that the cleanup work at Lewisburg Dump was successful and that the site no longer poses a threat to human health or the environment.

The PRPs will continue to monitor the groundwater periodically and report results to EPA as stipulated in the 1991 Consent Decree. TDEC will provide necessary oversight.

The Consent Decree required the PRPs to place deed restrictions on the property. The deed restrictions were recorded with the Office of the Hamilton County Register on August 19, 1993.

Throughout this project, EPA conducted active community relations activities to ensure that the local residents were well informed about the different activities occurring at the site. These included the development of Community Relations Plans, public meetings, and routine publications of progress report fact sheets. A public meeting presenting the Proposed Plan was held on July 25, 1990 in Lewisburg, Tennessee. Public comments on the selected remedy were addressed in the 1990 ROD, and site information was placed at the repository in a local library. A Pre-Construction meeting was held on August 17, 1992 in Lewisburg to discuss the start of cleanup activities with the community. In December 1993, EPA announced the end of site cleanup activities in the local newspaper after the final RA inspection.

EPA provided oversight and involved the State in the evaluation and approval of work conducted by the PRPs at the site. The Remedial Design (RD), RA contract, and RA Work Plan were carefully reviewed by EPA and TDEC for compliance with all quality assurance/quality control (QA/QC) procedures. EPA reviewed or developed site evaluations, project plans, technical and material specifications, construction, installation, testing, and sampling requirements and procedures

for all laboratory analyses. Work Plans were developed as necessary by contractors which specified appropriate QA/QC measures for all cleanup activities. EPA reviewed and approved the QA/QC plans which, in general, were based on the protocols in the U.S. EPA, Region IV.

Consistent with EPA guidance, a five year review of this project is necessary to ensure continued protection of human health and the environment. The statutory review will be conducted according to the Office of Solid Waste and Emergency Response Directive 9355.7-02, "Structure and Components of the Five year Reviews".

The five-year period begins with the date of RA contract award which, for this project, is September 8, 1992. Therefore, the review should be completed prior to September 8, 1997.

In conclusion, EPA, with the concurrence of the State, has determined that all appropriate remedial actions at the Lewisburg Dump site under CERCLA have been completed. The site no longer poses a threat to human health or the environment. Therefore, EPA proposes to delete the site from the NPL and requests public comments on the proposal.

Dated: November 27, 1995.

Patrick M. Tobin,

Acting Regional Administrator, USEPA, Region IV.

[FR Doc. 95-30798 Filed 12-19-95; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-179; RM-8728]

Radio Broadcasting Services; Cassville and Kimberling City, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Kevin M. and Patricia W. Wodlinger, proposing the substitution of Channel 261C2 for Channel 261A at Cassville, Missouri, reallocation of Channel 261C2 to Kimberling City, Missouri, and modification of the license for Station KRLK accordingly. The coordinates for Channel 261C2 at Kimberling City are 36-30-00 and 93-23-00. We shall propose to modify the license for Station KRLK in accordance with Sections 1.420(g) and (i) of the

Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before February 5, 1996, and reply comments on or before February 20, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: William J. Pennington, III, Post Office Box 1447, Mount Pleasant, South Carolina 29465.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-179, adopted December 6, 1995, and released December 15, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-30896 Filed 12-19-95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 655

[Docket No. 951208293-5293-01; I.D. 110995B]

RIN 0648-AF01

Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 5

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement the measures contained in Amendment 5 to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP). Amendment 5 is intended to further the Americanization of the fisheries and to implement measures to prevent overfishing and avoid overcapitalization of the domestic fleet.

DATES: Comments on the proposed rule must be received on or before January 29, 1996.

ADDRESSES: Comments on the proposed rule should be sent to: Dr. Andrew A. Rosenberg, Regional Director, National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930-2298. Mark the outside of the envelope, "Comments on Amendment 5 Atlantic Mackerel, Squid, and Butterfish."

Comments regarding the burden-hour estimates or any other aspect of the collection-of-information requirements contained in this proposed rule should be sent to the Northeast Regional Director at the address above and the Office of Management and Budget (OMB) (Attention: NOAA Desk Officer), Washington, D.C. 20503.

Copies of the Amendment, final environmental impact statement, regulatory impact review, and other supporting documents are available upon request from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901-6790.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, 508-281-9104.